

REMARKS/ARGUMENTS

Claims 1-10 are pending, claim 9 having been withdrawn from consideration. By this Amendment, claims 1-8 and 10 are amended. Support for the amendments to claims 1-8 and 10 can be found, for example, in original claims 1-8 and 10. No new matter is added. The amendments to claims 1-8 and 10 are made solely to improve their clarity. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Personal Interview

Applicants appreciate the courtesies extended to Applicants' representative by Examiner Sackey during the August 20, 2008 Personal Interview. Applicants' separate record of the substance of the interview is incorporated in the following remarks.

Rejection Under 35 U.S.C. §103

The Office Action rejects claims 1-8 and 10 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 3,219,678 to Kober et al. ("Kober") in view of U.S. Patent No. 3,892,634 to Hajek et al. ("Hajek"). Applicants respectfully traverse the rejection.

Claim 1 recites "[a] process for preparing an isocyanate, comprising: reacting a primary amine with phosgene in a reactor; and working up a reaction discharge from the reactor in a film evaporator; wherein the reaction discharge from the reactor comprises a suspension including the isocyanate as a liquid and a carbamyl chloride as a solid" (emphasis added). Claim 10 recites "[a] method for working up a reaction discharge from a phosgenation reactor, the method comprising: working up the reaction discharge from the phosgenation reactor in a film evaporator; wherein the reaction discharge comprises a

suspension including the isocyanate as a liquid and a carbamyl chloride as a solid" (emphasis added). Kober and Hajek do not disclose or suggest such a process or such a method.

The Office Action asserts that Kober discloses a process for preparing isocyanate in which an amine is reacted with phosgene, and carbamyl chloride is discharged. *See* Office Action, page 4. The Office Action concedes that Kober fails to disclose employing a film evaporator, but asserts that it would have been obvious to use a film evaporator in view of Hajek's use of a film evaporator in a different reaction involving separation of isocyanates from polyisocyanates. *See* Office Action, page 4. Notwithstanding these assertions, Kober and Hajek would not have rendered obvious claims 1 and 10.

As indicated above, in each of claims 1 and 10, a reaction product including solid carbamyl chloride is worked up in a film evaporator. As conceded in the Office Action, Kober does not involve use of a film evaporator at all. While Hajek does disclose using a series of thin film evaporators (*see, e.g., Hajek*, column 2, lines 17 to 45; FIG. 1), Hajek does not disclose that the feed to any of the thin film evaporators includes a solid, much less solid carbamyl chloride. *See also Hajek*, column 2, lines 30 to 31 ("... passing ... liquid feed to a second thin film evaporator ..."). That is, neither of the cited references discloses working up a reaction product including solid carbamyl chloride in a film evaporator.

As discussed in the present specification, there have been considerable reservations among skilled artisans regarding use of solids in film evaporators, in particular in thin-film evaporators. *See, e.g.,* present specification, page 1, lines 36 to 40. The present inventors discovered that working up a reaction product including carbamyl chloride in solid form within a suspension allows for efficient reduction to occur by significantly increasing residence time of carbamyl chlorides in an evaporator, e.g., by a factor of three. *See* present specification, page 7, lines 32 to 45. Kober and Hajek fail to disclose or suggest the particular features of claims 1 and 10, or the benefits stemming therefrom.

As Kober and Hajek fail to disclose or suggest a method or process in which a reacting product including solid carbamyl chloride is worked up in a film evaporator, the combination of references fails to disclose or suggest each and every feature or claims 1 and 10.

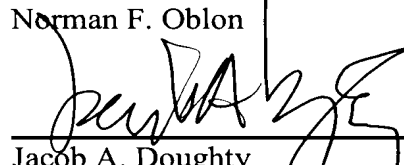
As explained, claims 1 and 10 would not have been rendered obvious by Kober and Hajek. Claims 2-8 depend from claim 1 and, thus, also would not have been rendered obvious by Kober and Hajek. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For the foregoing reasons, Applicant submits that claims 1-10 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Jacob A. Doughty
Registration No. 46,671

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)